IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.6673 of 2005

Mangilal G. Jain — Applicant
Vs.
The State of Maharashtra & anr. — Respondents

Mr.Ashish Bhatia i/b. Mr.O.A.Siddique for applicant.
Mr.D.P.Adsule, APP for State.
MR.Priyatosh Tiwari and Mr.A.M.Saraogi for resp.no.2.

CORAM: B.H.MARLAPALLE, J.
August 9, 2007.

P.C.

. Heard. This is an application seeking special leave to appeal under Section 378(4) of Cr.P.C., against an order of acquittal passed by the learned Metropolitan Magistrate, 31st Court, Vikhroli on 22/8/2005 in CC No.248/SS/2005 for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The applicant was the complainant and three different cheques i.e. cheque no.391340 dated 25/10/2002 for an amount of Rs.3,00,000/-, cheque no.391342 dated 28/10/2002 for an amount of Rs.4,00,000/- and cheque no.391343 dated 8/11/2002 for Rs.4,00,000/- drawn on Bharat Co-operative Bank Ltd. were drawn in the name of the complainant and they were dishonoured. In the trial of the complaint it was consented that the complainant was the moneylender and he had

moneylending licence bearing No. 3249 since 1973. It was admitted by the complainant himself that the said licence was issued on 16/2/1974 for the period from 1/8/1973 to 31/7/1974. The same was renewed on 11/12/1985 for the period from 1/8/1985 to 31/7/1986. The third renewal of the said licence was on 16/6/2005 for the period from 1/8/2004 to 31/7/2005. Thus on the complainant's own admissions for the loan advanced from 30th April 2002 to 30th September 2002 he did not have the licence renewed and thus he advanced the loan as a moneylender without licence and on this ground the complaint was dismissed holding that there was no legally enforceable liability for which the dishonoured cheques were issued. This reasoning is based on the admissions of the complainant himself while in the witness box and, therefore, it does not call for reconsideration by this Court.

. Hence leave to appeal is hereby refused and consequently the application stands rejected.

(B.H.MARL